

IN THE UNITED STATES PATENT OFFICE

In re Application of

Allowed: December 3, 1998

HANSEN ET AL

Batch No. U80

Serial No.: 08/491,892

Group Art Unit: 1209

Filed: July 14, 1995

Examiner: Badio

Title: NEW CRYSTALLINE FORM
OF A VITAMIN D ANALOGUE

February 25, 1998

SUBMISSION UNDER RULE 312

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

In the Notice of Allowability, the Examiner states (page 2):

“The oath or declaration is defective because:
It does not state that the person making the oath or declaration acknowledges
the duty to disclose to the Office all information known to the person to be
material to patentability as defined in 37 CFR 1.56.”

The Examiner then goes on to say that:

“The declaration recites ‘the duty to disclose information which is material to
the examination of this application in accordance with Title 37, Code of
Federal Regulations, § 1.56’. 37 CFR 1.56 states the disclosure of information
which is material to the patentability and not to the examination of the
application.”

The applicants do not understand the Examiner’s objection because the declaration as
filed says exactly what the Examiner requires, i.e. “material to patentability”. See the

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attached copy of the declaration as marked in the margin. Withdrawal of the objection or
clarification thereof is requested.

Respectfully submitted,

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By 

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